

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: **Mary M. Rubenstein**

Case No.: **19-13824**

Chapter 13

Debtor(s)

Chapter 13 Plan

☐ Original

☒ 6 Amended

Date: **August 31, 2022**

**THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE**

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. **ANYONE WHO WISHES TO OPPOSE ANY PROVISION OF THIS PLAN MUST FILE A WRITTEN OBJECTION** in accordance with Bankruptcy Rule 3015 and Local Rule 3015-4. **This Plan may be confirmed and become binding, unless a written objection is filed.**

**IN ORDER TO RECEIVE A DISTRIBUTION UNDER THE PLAN, YOU
MUST FILE A PROOF OF CLAIM BY THE DEADLINE STATED IN THE
NOTICE OF MEETING OF CREDITORS.**

Part 1: Bankruptcy Rule 3015.1 Disclosures

- ☐ Plan contains nonstandard or additional provisions – see Part 9
- ☐ Plan limits the amount of secured claim(s) based on value of collateral – see Part 4
- ☐ Plan avoids a security interest or lien – see Part 4 and/or Part 9

Part 2: Plan Payment, Length and Distribution – PARTS 2(c) & 2(e) MUST BE COMPLETED IN EVERY CASE

TOTAL LENGTH OF PLAN: 84 MONTHS

§ 2(a)(1) Initial Plan:

Total Base Amount to be paid to the Chapter 13 Trustee (“Trustee”) \$ _____

Debtor shall pay the Trustee \$ _____ per month for _____ months; and

Debtor shall pay the Trustee \$ _____ per month for _____ months.

☐ Other changes in the scheduled plan payment are set forth in § 2(d)

§ 2(a)(2) Amended Plan:

Total Base Amount to be paid to the Chapter 13 Trustee (“Trustee”) \$ **93,532.00**

The Plan payments by Debtor shall consists of the total amount previously paid (\$ **36,916.00**)

added to the new monthly Plan payments in the amount of **1,204.00** beginning **09/13/2022** (date) and continuing for **47** months.

☐ Other changes in the scheduled plan payment are set forth in § 2(d)

§ 2(b) Debtor shall make plan payments to the Trustee from the following sources in addition to future wages (Describe source, amount and date when funds are available, if known):

§ 2(c) Alternative treatment of secured claims:

☒ **None.** If “None” is checked, the rest of § 2(c) need not be completed.

☐ **Sale of real property**

See § 7(c) below for detailed description

Debtor Mary M. Rubenstein Case number 19-13824

☐ **Loan modification with respect to mortgage encumbering property:**
See § 4(f) below for detailed description

§ 2(d) Other information that may be important relating to the payment and length of Plan:

§ 2(e) Estimated Distribution

A.	Total Priority Claims (Part 3)	
1.	Unpaid attorney's fees	\$ <u>5,500.00</u>
2.	Unpaid attorney's cost	\$ <u>0.00</u>
3.	Other priority claims (e.g., priority taxes)	\$ <u>0.00</u>
B.	Total distribution to cure defaults (§ 4(b))	\$ <u>34,176.41</u>
C.	Total distribution on secured claims (§§ 4(c) & (d))	\$ <u>43,186.35</u>
D.	Total distribution on unsecured claims (Part 5)	\$ <u>1,315.74</u>
	Subtotal	\$ <u>84,178.50</u>
E.	Estimated Trustee's Commission	\$ <u>9,353.50</u>
F.	Base Amount	\$ <u>93,532.00</u>

☒ By checking this box, Debtor's counsel certifies that the information contained in Counsel's Disclosure of Compensation [Form B2030] is accurate, qualifies counsel to receive compensation pursuant to L.B.R. 2016-3(a)(2), and requests this Court approve counsel's compensation in the total amount of \$ ____ with the Trustee distributing to counsel the amount stated in §2(e)A.1. of the Plan. Confirmation of the plan shall constitute allowance of the requested compensation.

Part 3: Priority Claims (Including Administrative Expenses & Debtor's Counsel Fees)

§ 3(a) Except as provided in § 3(b) below, all allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Estimated Amount to be Paid
Paul H. Young, Esquire	Attorney Fee	\$4,000.00
Paul H. Young, Esquire	Attorney Fee	Post-confirmation: \$1,500.00

§ 3(b) Domestic Support obligations assigned or owed to a governmental unit and paid less than full amount.

☒ **None.** If "None" is checked, the rest of § 3(b) need not be completed or reproduced.

Part 4: Secured Claims

§ 4(a)) Secured claims not provided for by the Plan

☒ **None.** If "None" is checked, the rest of § 4(a) need not be completed or reproduced.

§ 4(b) Curing Default and Maintaining Payments

☐ **None.** If "None" is checked, the rest of § 4(b) need not be completed.

The Trustee shall distribute an amount sufficient to pay allowed claims for prepetition arrearages; and, Debtor shall pay directly to creditor monthly obligations falling due after the bankruptcy filing in accordance with the parties' contract.

Debtor Mary M. Rubenstein Case number 19-13824

Creditor	Description of Secured Property and Address, if real property	Current Monthly Payment to be paid directly to creditor by Debtor	Estimated Arrearage	Interest Rate on Arrearage, if applicable (%)	Amount to be Paid to Creditor by the Trustee
Wells Fargo Bank	3032 Susquehanna Road Abington, PA 19001	435.74	Prepetition: \$ 6,306.32	0.00%	\$6,306.32
Wells Fargo Home Mor	6242 Neshaminy Valley Drive Bensalem, PA 19020	1,974.32	Prepetition: \$ 27,870.09	0.00%	\$27,870.09

§ 4(c) Allowed Secured Claims to be paid in full: based on proof of claim or pre-confirmation determination of the amount, extent or validity of the claim

☒ **None.** If "None" is checked, the rest of § 4(c) need not be completed or reproduced.

§ 4(d) Allowed secured claims to be paid in full that are excluded from 11 U.S.C. § 506

☐ **None.** If "None" is checked, the rest of § 4(d) need not be completed.

The claims below were either (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

(1) The allowed secured claims listed below shall be paid in full and their liens retained until completion of payments under the plan.

(2) In addition to payment of the allowed secured claim, "present value" interest pursuant to 11 U.S.C. § 1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below. If the claimant included a different interest rate or amount for "present value" interest in its proof of claim, the court will determine the present value interest rate and amount at the confirmation hearing.

Name of Creditor	Collateral	Amount of claim	Present Value Interest	Estimated total payments
Bucks County Tax Claim Bureau	4635 Acton Court Bensalem, PA 19020	\$ 11,506.96	9.00%	\$13,745.37
PA Department of Revenue		\$ 388.39	0.00%	\$317.59
Upper Dublin School District	3032 Susquehanna Road Abington, PA 19001	\$ 27,028.97	0.00%	\$27,028.97

§ 4(e) Surrender

☒ **None.** If "None" is checked, the rest of § 4(e) need not be completed.

§ 4(f) Loan Modification

☒ **None.** If "None" is checked, the rest of § 4(f) need not be completed.

Part 5: General Unsecured Claims

§ 5(a) Separately classified allowed unsecured non-priority claims

☒ **None.** If "None" is checked, the rest of § 5(a) need not be completed.

§ 5(b) Timely filed unsecured non-priority claims

(1) Liquidation Test (*check one box*)

☐ All Debtor(s) property is claimed as exempt.

☒ Debtor(s) has non-exempt property valued at \$ 476,585.30 for purposes of § 1325(a)(4) and plan provides for distribution of \$ 1315.74 to allowed priority and unsecured general creditors.

(2) **Funding: § 5(b) claims to be paid as follows (*check one box*):**

Debtor Mary M. Rubenstein

Case number 19-13824

☒ Pro rata

☐ 100%

☐ Other (Describe)

Part 6: Executory Contracts & Unexpired Leases

☒ **None.** If "None" is checked, the rest of § 6 need not be completed or reproduced.

Part 7: Other Provisions

§ 7(a) General Principles Applicable to The Plan

(1) Vesting of Property of the Estate (*check one box*)

☒ Upon confirmation

☐ Upon discharge

(2) Subject to Bankruptcy Rule 3012, the amount of a creditor's claim listed in its proof of claim controls over any contrary amounts listed in Parts 3, 4 or 5 of the Plan.

(3) Post-petition contractual payments under § 1322(b)(5) and adequate protection payments under § 1326(a)(1)(B), (C) shall be disbursed to the creditors by the debtor directly. All other disbursements to creditors shall be made to the Trustee.

(4) If Debtor is successful in obtaining a recovery in personal injury or other litigation in which Debtor is the plaintiff, before the completion of plan payments, any such recovery in excess of any applicable exemption will be paid to the Trustee as a special Plan payment to the extent necessary to pay priority and general unsecured creditors, or as agreed by the Debtor or the Trustee and approved by the court..

§ 7(b) Affirmative duties on holders of claims secured by a security interest in debtor's principal residence

(1) Apply the payments received from the Trustee on the pre-petition arrearage, if any, only to such arrearage.

(2) Apply the post-petition monthly mortgage payments made by the Debtor to the post-petition mortgage obligations as provided for by the terms of the underlying mortgage note.

(3) Treat the pre-petition arrearage as contractually current upon confirmation for the Plan for the sole purpose of precluding the imposition of late payment charges or other default-related fees and services based on the pre-petition default or default(s). Late charges may be assessed on post-petition payments as provided by the terms of the mortgage and note.

(4) If a secured creditor with a security interest in the Debtor's property sent regular statements to the Debtor pre-petition, and the Debtor provides for payments of that claim directly to the creditor in the Plan, the holder of the claims shall resume sending customary monthly statements.

(5) If a secured creditor with a security interest in the Debtor's property provided the Debtor with coupon books for payments prior to the filing of the petition, upon request, the creditor shall forward post-petition coupon book(s) to the Debtor after this case has been filed.

(6) **Debtor waives any violation of stay claim arising from the sending of statements and coupon books as set forth above.**

§ 7(c) Sale of Real Property

☒ **None.** If "None" is checked, the rest of § 7(c) need not be completed.

(1) Closing for the sale of ___ (the "Real Property") shall be completed within months of the commencement of this bankruptcy case (the "Sale Deadline"). Unless otherwise agreed, each secured creditor will be paid the full amount of their secured claims as reflected in § 4.b (1) of the Plan at the closing ("Closing Date").

(2) The Real Property will be marketed for sale in the following manner and on the following terms:

(3) Confirmation of this Plan shall constitute an order authorizing the Debtor to pay at settlement all customary closing expenses and all liens and encumbrances, including all § 4(b) claims, as may be necessary to convey good and marketable title to the purchaser. However, nothing in this Plan

Debtor Mary M. Rubenstein

Case number 19-13824

shall preclude the Debtor from seeking court approval of the sale of the property free and clear of liens and encumbrances pursuant to 11 U.S.C. § 363(f), either prior to or after confirmation of the Plan, if, in the Debtor's judgment, such approval is necessary or in order to convey insurable title or is otherwise reasonably necessary under the circumstances to implement this Plan.

(4) Debtor shall provide the Trustee with a copy of the closing settlement sheet within 24 hours of the Closing Date.

(5) In the event that a sale of the Real Property has not been consummated by the expiration of the Sale Deadline:

Part 8: Order of Distribution

The order of distribution of Plan payments will be as follows:

Level 1: Trustee Commissions*

Level 2: Domestic Support Obligations

Level 3: Adequate Protection Payments

Level 4: Debtor's attorney's fees

Level 5: Priority claims, pro rata

Level 6: Secured claims, pro rata

Level 7: Specially classified unsecured claims

Level 8: General unsecured claims

Level 9: Untimely filed general unsecured non-priority claims to which debtor has not objected

**Percentage fees payable to the standing trustee will be paid at the rate fixed by the United States Trustee not to exceed ten (10) percent.*

Part 9: Nonstandard or Additional Plan Provisions

Under Bankruptcy Rule 3015.1(e), Plan provisions set forth below in Part 9 are effective only if the applicable box in Part 1 of this Plan is checked. Nonstandard or additional plan provisions placed elsewhere in the Plan are void.

☒ **None.** If "None" is checked, the rest of § 9 need not be completed.

Part 10: Signatures

By signing below, attorney for Debtor(s) or unrepresented Debtor(s) certifies that this Plan contains no nonstandard or additional provisions other than those in Part 9 of the Plan.

Date: August 31, 2022

/s/ Paul H. Young, Esquire

Paul H. Young, Esquire

Attorney for Debtor(s)

Label Matrix for local noticing
0313-2
Case 19-13824-mdc
Eastern District of Pennsylvania
Philadelphia
Fri Aug 5 11:19:15 EDT 2022

BUCKS COUNTY TAX CLAIM BUREAU
C/O JOHN A. TORRENTE, ESQ.
55 EAST COURT STREET
DOYLESTOWN, PA 18901-4318

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

United States Trustee
Office of the U.S. Trustee
200 Chestnut Street
Suite 502
Philadelphia, PA 19106-2908

Upper Dublin School District
c/o Portnoff Law Associates, Ltd.
P.O. Box 3020
Norristown, PA 19404-3020

Philadelphia
900 Market Street
Suite 400
Philadelphia, PA 19107-4233

Bank Of America
Attn: Bankruptcy
Po Box 982238
El Paso, TX 79998-2238

Bank Of America
Po Box 982238
El Paso, TX 79998-2238

Bank of America, N.A.
P O Box 982284
El Paso, TX 79998-2284

Barclays Bank Delaware
Po Box 8803
Wilmington, DE 19899-8803

Bucks County Tax Claim Bureau
c/o John A. Torrente, Esquire
Begley, Carlin & Mandio, LLP
680 Middletown Blvd
Langhorne, PA 19047-1817

Bucks County Tax Claim Bureau
c/o John Torrente, Esquire
55 E. Court Street
Doylestown, PA 18901-4318

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

Capital One, N.A.
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

Cavalry Portfolio Services
500 Summit Lake Drive
Valhalla, NY 10595-2321

Cavalry Portfolio Services
Attn: Bankruptcy Department
500 Summit Lake Ste 400
Valhalla, NY 10595-2321

Cavalry SPV I, LLC
500 Summit Lake Drive, Ste 400
Valhalla, NY 10595-2321

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

(p)DISCOVER FINANCIAL SERVICES LLC
PO BOX 3025
NEW ALBANY OH 43054-3025

Discover Financial
Po Box 3025
New Albany, OH 43054-3025

Kohls/Capital One
Kohls Credit
Po Box 3120
Milwaukee, WI 53201-3120

Kohls/Capital One
N56 W 17000 Ridgewood Dr
Menomonee Falls, WI 53051-5660

Mitchel J. Rubenstein
3032 Susquehanna Road
Abington, PA 19001-4029

PA Department of Revenue
Bankruptcy Division, PO Box 280946
Harrisburg, PA 17128-0001

Pennsylvania Department of Revenue
Bankruptcy Division PO Box 280946
Harrisburg, Pa. 17128-0946

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

(p)CITIZENS BANK N A
ATTN BANKRUPTCY TEAM
ONE CITIZENS BANK WAY
JCA115
JOHNSTON RI 02919-1922

Synchrony Bank
c/o of PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

United Rev
Po Box 1184
Langhorne, PA 19047-6184

Upper Dublin School District
c/o James R. Wood, Esquire
Portnoff Law Associates, Ltd.
2700 Horizon Drive, Suite 100
King of Prussia, PA 19406-2726

(p)DSNB MACY'S
CITIBANK
1000 TECHNOLOGY DRIVE MS 777
O FALLON MO 63368-2222

WELLS FARGO BANK, N.A.
C/o Thomas Song, Esq.
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

(p)WELLS FARGO BANK NA
1 HOME CAMPUS
MAC X2303-01A
DES MOINES IA 50328-0001

Wells Fargo Bank
Credit Bureau Dispute Resoluti
Des Moines, IA 50306

Wells Fargo Bank
P O Box 31557
Billings, MT 59107-1557

Wells Fargo Bank, N.A.
Attention: Payment Processing
MAC F2302-04C
1 Home Campus
Des Moines, IA 50328-0001

Wells Fargo Bank, N.A.
Default Document Processing
MAC# N9286-01Y
1000 Blue Gentian Road
Eagan MN 55121-1663

Wells Fargo Bank, N.A.
Default Document Processing
MAC# N9286-01Y
P.O. Box 1629
Minneapolis, MN 55440-1629

Wells Fargo Bank, N.A.
Default Document Processing
N9286-01Y
1000 Blue Gentian Road
Eagan, MN 55121-1663

Wells Fargo Bank, N.A.
MAC N9286-01Y
1000 Blue Gentian Road
Eagan, MN 55121-1663

Wells Fargo Bank, N.A.
MAC N9286-01Y
P.O. Box 1629
Minneapolis, MN 55440-1629

Wells Fargo Bank, N.A. As Successor By Merge
To Wachovia Bank, N.A.
c/o Jill Manuel-Coughlin, Esq.
8 Neshaminy Interplex
Suite 215
Trevose, PA 19053-6980

Wells Fargo Bank, NA
Attention: Payment Processing
MAC# F2302-04C
1 Home Campus
Des Moines IA 50328-0001

Wells Fargo Bank, NA
c/o KARINA VELTER
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028

Wells Fargo Bank, NA
c/o Thomas Song, Esq
Phelan Hallinan Diamond & Jones, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

Wells Fargo Home Mor
Attn Bankruptcy Dept
P.O. Box 10335
Des Moines, IA 50306-0335

Wells Fargo Home Mor
Po Box 10335
Des Moines, IA 50306-0335

CAMERON DEANE
Young, Marr, Mallis & Deane, LLC
3554 Hulmeville Road
Suite 102
Bensalem, PA 19020-4366

KENNETH E. WEST
Office of the Chapter 13 Standing Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107-3704

Mary M. Rubenstein
3032 Susquehanna Road
Abington, PA 19001-4029

PAUL H. YOUNG
Young, Marr, Mallis & Deane, LLC
3554 Hulmeville Rd.
Ste 102
Bensalem, PA 19020-4366

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Capital One
15000 Capital One Dr
Richmond, VA 23238

Chase Card Services
Correspondence Dept
Po Box 15298
Wilmington, DE 19850

(d)Chase Card Services
Po Box 15298
Wilmington, DE 19850

Discover Financial
Po Box 15316
Wilmington, DE 19850

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

RBS Citizens Cc
1 Citizens Dr.
Ms: Rop 15b
Riverside, RI 02915

(d)RBS Citizens Cc
1000 Lafayette Blvd
Bridgeport, CT 06604

Visa Dept Store National Bank/Macy's
Attn: Bankruptcy
Po Box 8053
Mason, OH 45040

(d)Visa Dept Store National Bank/Macy's
Po Box 8218
Mason, OH 45040

Wells Fargo Bank
Attn: Bankruptcy Dept
Po Box 6429
Greenville, SC 29606

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Bucks County Tax Claim Bureau

(u)WELLS FARGO BANK, N.A.

(u)Wells Fargo Bank, N.A. As Successor By Mer

(d)Upper Dublin School District
c/o Portnoff Law Associates, Ltd.
P.O. Box 3020
Norristown, PA 19404-3020

End of Label Matrix
Mailable recipients 51
Bypassed recipients 4
Total 55